



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/978,164	10/17/2001	Ronald Schoop	01179	3945

23338 7590 04/16/2007
DENNISON, SCHULTZ & MACDONALD
1727 KING STREET
SUITE 105
ALEXANDRIA, VA 22314

EXAMINER

TINKLER, MURIEL S

ART UNIT	PAPER NUMBER
----------	--------------

3691

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/16/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 09/978,164	Applicant(s) SCHOOP, RONALD	
	Examiner Muriel Tinkler	Art Unit 3691	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date 11/06/2006 <u>1/3/2007</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The application has been reviewed. The original claims 1-9 have been cancelled. The new claims 10-12 are pending. The rejection(s) are as stated below.

Response to Arguments

1. Applicant's arguments filed January 31, 2007 have been fully considered but they are not persuasive. The applicant does not argue the grounds of rejection for the original claims 1-9. Instead, the applicant argues that the amended claims 10-12 circumvent the grounds of rejection given to claims 1-9.
2. The Applicant argues that an advantage of their invention is that the use of stored program controls is chargeable either online or via IC-cards and payment cards, respectively. Matsumoto discloses this in the Summary of the Invention, particularly in: column 3 (lines 1-4), "a unit for measuring a time, a unit for calculating an amount of money to be charged on the basis of the information concerning the time as measured"; and, column 3 (lines 9-21), "With the arrangement of the transaction-oriented electronic accommodation system described above, the IC card carrying the monetary information and the ID information can be used in association with the article receiving/housing unit. Thus, the transaction-oriented electronic accommodation system can be utilized even when the user has no money in cash or no coins. Besides, utilization of the transaction-oriented electronic accommodation system can be realized satisfactorily for the user even in the case where the transaction-oriented electronic accommodation system or

Art Unit: 3691

the article receiving/housing unit is used only for a short time, because the fee as charged is calculated on the basis of the time for which the system has been utilized."

3. The Applicant argues that, "By way of the calculation unit, definite operations and operating times can be assigned to different factors, so that a justified calculation of the use is possible." Matsumoto disclose the use of calculating different times, by calculating a regular or discount parking rates based on time in column 23 (lines 12-50).

4. The Applicant argues that, "the central registration of the user data, using the user data for calculating the user fees and deducting an operating credit, is not taught or suggested in the prior art". Matsumoto discloses the use of an over-payment credit given by the control center in column 24 (lines 16-27).

5. The Applicant argues that, in their invention, "the operating time and/or operations of the stored program control are monitored, so that a user fee for the program running in the stored program control can be raised". Matsumoto does disclose a program for processing a fee in column 10 (lines 37-65).

6. Furthermore, Matsumoto discloses a centralized management unit in figure 6 (element 19), the Summary of the Invention, and column 9 (line 52) through column 10 (line 6).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

Art Unit: 3691

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

9. Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsumoto et al. (US 6,230,971) in view of Gutman et al. (US 5,221,838).

10. Claims 10-12 discuss the system and method(s) of the original claims 1-4. No new matter has been added. The original claims 1-4 have been rejected in the Office Action mailed on November 6, 2006. The applicant's arguments with respect to new claims 10-12 are moot. See the discussion(s) above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Muriel Tinkler whose telephone number is (571)272-7976. The examiner can normally be reached on Monday through Friday from 7:30 AM until 4 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571)272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Application/Control Number: 09/978,164
Art Unit: 3691

Page 6

MT
April 5, 2007

A handwritten signature in black ink, appearing to read 'Hani M. Kazimi', with a stylized flourish at the end.

HANI M. KAZIMI
PRIMARY EXAMINER